

REMARKS

The Notice of Non-Compliant Amendment states that the amendment document filed on August 29, 2006 is considered non-compliant for failing to meet the requirements of 37 C.F.R. §1.121 because “claim 6 has text deleted which is not so indicated by strikethrough or double brackets.” The notice further states that the entire corrected amendment must be resubmitted. The previously submitted amendment had a typographical error in which the word “is” was erroneously deleted from claim 6. Applicants submit herewith the amendment in its entirety including the correction to claim 6.

Interview Request

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant response and amendment. Applicants request the Examiner call Applicants’ representative at 858 720 5133.

Status of the Claims

Pending claims

Claims 1 to 10 and 14 to 36 are pending and under consideration.

Outstanding Rejections

Claims 1 to 10 and 14 to 36, are newly rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse all outstanding objections to the specification and rejection of the claims.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the new and amended claims in this and previous responses. Accordingly, Applicants submit that no new matter has been introduced and the instant amendment can be properly entered.

Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116. The amendment places the case in condition for allowance and places the case in better condition for appeal; the amendment does not raise any issues of new matter; and, the amended claims do not present new issues requiring further consideration or search.

Issues under 35 U.S.C. §112, second paragraph

Claims 1 to 10 and 14 to 36, are newly rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite, for reasons set forth on pages 2 to 3 of the OA.

The phrase “both the first and the second pseudotyped lentiviral vector...”

It is alleged that the phrase “... both the first and the second pseudotyped lentiviral vector can only express the at least part of the polypeptide-encoding sequence of interest or complementary sequence thereof ...” is not clear. The instant amendment addresses this issue.

The term “high throughput”

It is alleged that the term “high throughput” is unclear because, inter alia, the method does not appear to recite any steps which describe such a process (see, e.g., page 3, lines 4 to 8). However, Applicants respectfully note that claim 1(d) recites the step of “high throughput detecting at least one change in one or more endogenous cellular factors in said first and second populations and comparing the effect on the cell of overexpression of the polypeptide-encoding sequence with the effect on the cell of inhibition or termination of expression of the polypeptide-encoding sequence.” See also claims 21(d) and 22(d).

Furthermore, claims 31 to 34 expressly claim exemplary means of “high throughput detecting”, including comprising use of: computerized or robot implemented systems (Claim 31); libraries of lentiviral vectors and cells transduced by the lentiviral vectors (Claim 32); libraries of lentiviral vectors and cells transduced by the lentiviral vectors in a multiplicity of compartments (Claim 33); and, machine implemented microarray or macroarray technology (Claim 34).

The specification describes exemplary “high throughput” protocols in detail, see, e.g., paragraphs [0032] to [0035], and [0073] to [0077], of U.S. Patent Application Publication No. 20040203017.

The instant amendment also addresses this issue.

Accordingly, the rejection under section 112, second paragraph can be properly withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. §112, second paragraph. The amendment places the case in condition for allowance, does not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Applicants respectfully submit that all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 397272000500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

After the Examiner has reviewed this after final response and amendment, if the Examiner believes a telephonic interview would help expedite prosecution, please call Applicants' representative at (858) 720-5133.

Dated: November 27, 2006

Respectfully submitted,

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